

4
ARTICLE APPEARED
ON PAGE A14

NEW YORK TIMES
9 May 1986

White House Backing C.I.A. On Prosecuting Publications

By STEPHEN ENGELBERG

Special to The New York Times

WASHINGTON, May 8 — The White House said today that it favored prosecution of individuals or publications that may have violated laws barring unauthorized disclosure of classified information.

Larry Speakes, the chief White House spokesman, said the Justice Department would decide whether to prosecute five publications that William J. Casey, Director of Central Intelligence, contends violated the law with recent reports related to intelligence-gathering on Libya.

"Anyone who violates the law should be prosecuted, whether it be a publication or whether it would be a member of the Administration that is leaking information," said Mr. Speakes. He noted that the Defense Department recently dismissed an employee on the ground that he had disclosed classified information to reporters.

He said the question of whether to proceed against the newspapers "would be a matter of prosecutorial discretion, which means the Justice Department would decide whether to prosecute or not."

Reagan Administration officials said no decision had been reached on bringing charges against the news organizations, which have been identified by Mr. Casey as The New York Times, The Washington Post, The Washington Times, Time and Newsweek. The officials said that senior aides to Attorney General Edwin Meese 3d had expressed no enthusiasm for the idea.

Editors of the news organizations identified by Mr. Casey have said they were not aware of publishing any article that violated the law.

Meeting With Washington Post

The issue arose last Friday when Mr. Casey told two editors of The Washington Post that he would recommend prosecution if it went ahead with a planned story on the National Security Agency. He also told the editors he believed unspecified articles already published by that newspaper and four other news organizations were violations of the law.

Officials said that after his remarks to the Washington Post editors, Mr. Casey went to the Justice Department where he told Deputy Attorney General D. Lowell Jensen of his belief that five news organizations had broken the law

by publishing articles on intelligence. Mr. Casey, the officials said, was referring to a 1950 law that makes it a crime to reveal information about American ciphers, code-breaking and other communications intelligence.

The main function of the National Security Agency is to intercept communications, and officials said The Washington Post has thus far withheld from publication a report describing some N.S.A. systems thought to have been compromised by Ronald W. Pelton, a former employee of the agency who is awaiting trial on espionage charges.

'A Very Good Question'

Benjamin C. Bradlee, editor in chief of The Washington Post, said in an interview earlier this week that he did not believe the report would violate national security. Asked why the newspaper would withhold a report describing what was already known to the Soviet Union, he said, "That's a very good question."

Reporters at The Washington Post said the newsroom atmosphere had not been affected by the threat of prosecution or the temporary decision to hold publication of the story. One reporter said that since Mr. Bradlee's instincts in favor of publishing articles about sensitive documents were well-known, the staff assumed that there must be a good reason for waiting on the report.

Mr. Bradlee said no decision has been made on whether to publish the disputed report. He said the paper is continuing to weigh the claims of the Administration that it would damage national security. In an earlier interview this week, Mr. Bradlee said he did not believe these assertions.

The C.I.A., according to officials, has argued within the Administration that the publication of a story by The Washington Post would be damaging because it would authenticate and explain what the Soviet Union has already obtained from Mr. Pelton.

They argued that the Soviet authorities at this point were not entirely certain of what they had learned from Mr. Pelton, the former N.S.A. official.

The 1950 law on communications, Section 793 of the United States Criminal Code, carries a maximum penalty of 10 years in prison and a \$10,000 fine.